

### **REMARKS**

These remarks and the accompanying amendments are responsive to the Office Action dated November 1, 2006 (hereinafter, the "Office Action"), and having a shortened statutory period that expires February 1, 2007.

The Office action indicated that Claims 65-104 were pending, with Claims 65-86 and 98-104 being withdrawn from consideration. Although Claims 65-86 and 98-104 were previously withdrawn from consideration, they were subsequently cancelled in a later response. In any case, even if these previously withdrawn claims 65-86 and 98-104 were not previously cancelled, the above-provided listing of claims makes clear that they are cancelled by this response. Accordingly, the undersigned believes that only Claims 87-97 are currently pending.

The Office Action allows Claims 89-97, but rejects Claims 87 and 88. No new claims are added by this response, and the allowed Claims 89-97 are not amended herein. Accordingly, only Claims 87 and 88 remain at issue.

Section 1 of the Office Action rejected Claims 87 and 88 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claims the subject matter which the applicant regards as the invention. The undersigned expresses sincere appreciation for the interview which the Examiner held with the undersigned earlier this month. In that interview, the undersigned presented and discussed possible amendments that might overcome this rejection. The amendments made herein are consistent with those discussions. For at least the reasons provided during those discussions, the applicants thus believe that the Claims 87 and 88 (as amended herein) now overcome the 35 U.S.C. 112, second paragraph, rejection. Accordingly, withdrawal of this rejection is respectfully requested. Support for the amendment

can be found, at least, from page 35, line 5 through page 36, line 20 of applicants' specification, and in Figures 9, 11 and 12.

Section 3 of the Office Action rejected Claims 87 and 88 under 35 U.S.C. 103 as being unpatentable over United States patent number 5,978,386 issued to Hamalainen et al. (the patent hereinafter referred to as "Hamalainen") in view of United States patent number 6,636,505 issued to Wang et al. (the patent hereinafter referred to as "Wang").

The Office Action acquiesces that Hamalainen does not show identifying a PPP frame in a lower layer than the PPP. The applicants agree with this acquiescence. As for Wang, as acknowledged by the Office Action, the Wang patent merely shows identifying the presence of PPP in the payload. On the other hand, in the recitations of claims 87 and 88, the identifying means identifies a PPP frame, which is neither octet-inserted nor bit-inserted, in a lower layer than PPP. Accordingly, neither Hamalainen nor Wang (either singly or in combination) teach or suggest Claims 87 and 88. Therefore, withdrawal of the 35 U.S.C. 103 rejection is respectfully requested.

As a supplemental matter, in reviewing the specification in preparation for formulating this response, the applicants noted an incomplete sentence on page 32, line 14-16 of the applicants specification. This paragraph is amended herein. The correction is of a grammatical, and typographical nature and does not add any new matter. This modified paragraph corresponds to paragraph [0066] of Japanese Patent Application No. 11-266862, on which the present application claims the right of priority.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 31<sup>st</sup> day of January, 2007.

Respectfully submitted,

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